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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1991 (2011). By paragraph 23 of that resolution, the Council requested that I report in January on the progress on the ground, including on significant events of the electoral process and the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to this process, as well as on progress towards achieving a coordinated United Nations approach in-country. The present report covers developments that occurred between the issuance of my report of 24 October 2011 (S/2011/656) and 9 January.

II. Major developments

National political developments

2. National political developments in the Democratic Republic of the Congo centred on the organization, the conduct and the results of the presidential and legislative elections held on 28 November 2011. Alongside the 11 candidates registered for the presidential elections, the Independent National Electoral Commission registered 18,864 candidates, including 2,277 women, for the 500 seats in the National Assembly.

3. On 26 and 27 October, the Independent National Electoral Commission, with the support of MONUSCO, held a colloquium with the presidential candidates or their designated representatives aimed at fostering dialogue between them and with the Commission and other political leaders. The colloquium resulted in the signing of a declaration by President Joseph Kabila and several other presidential candidates renouncing all forms of violence, intimidation and statements based on ethnicity, religion or race; and undertaking to use legally established mechanisms to settle any election disputes that might arise. Several candidates, including Vital Kamerhe (Union pour la nation congolaise), Léon Kengo wa Dondo (Union des forces du changement (UFC)), and Etienne Tshisekedi (Union pour la démocratie et le progrès social (UDPS)), withheld their signature owing to concerns regarding the voter registration process, the preparations for the elections and their timing. The

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declaration aimed to bolster the Code of Conduct for political parties, which at the time of polling had been signed by all presidential candidates except Mr. Tshisekedi.

4. The election campaign was conducted from 28 October to 26 November 2011. The campaign period was marked by mounting tension as the leading presidential candidates campaigned extensively across the country. On 6 November 2011, in an interview in South Africa with a Congolese television station, Mr. Tshisekedi stated that he had already been chosen by the majority of the Congolese people as President. On 9 November, President Kabila issued a presidential decree appointing 18 new judges to the Supreme Court of Justice responsible for adjudicating election disputes, thereby increasing its membership from 8 to 26.

5. There were reports of a number of election-related incidents resulting in deaths, injuries and the destruction of property primarily involving supporters of the opposition party UDPS and Union nationale des fédéralistes du Congo/Parti du peuple pour la reconstruction et le développement, supporters aligned with the presidential majority, in the provinces of Kinshasa, Kasai Oriental and Occidental and Katanga. Other incidents included the burning of polling stations, assault upon electoral workers and the destruction of electoral materials. On 26 November in Kinshasa, clashes between UDPS and presidential coalition supporters, and between UDPS and the national security forces, during which several fatalities were reported and several other people were injured, led to the banning by city authorities of all final election campaign rallies that were scheduled to take place that day. On 28 November, in Lubumbashi, six people were reportedly killed in two separate armed attacks aimed at disrupting the distribution of electoral material.

6. On 18 November, the Independent National Electoral Commission inaugurated the National Mediation Committee, which is tasked with facilitating political dialogue among Congolese stakeholders and promoting the peaceful resolution of electoral disputes. The Committee, which comprises seven Congolese individuals, engaged with the presidential candidates in efforts to diffuse tensions arising from electoral disputes.

7. The Independent National Electoral Commission faced significant logistical challenges delivering electoral material to about 17,000 polling centres and 64,000 polling stations. In addition to the air assets provided by the Government of the Democratic Republic of the Congo and additional support from MONUSCO (see paras. 39-41), the Government of South Africa provided six helicopters, the Government of Angola six helicopters and two airplanes and the Government of the Republic of Congo two helicopters to support the delivery of electoral material.

8. Despite considerable logistical challenges, polling for the presidential and legislative elections began as scheduled on 28 November 2011 and continued, in some places, until 2 December 2011. The major logistical challenges included a reported shortage of presidential ballot papers resulting in the delivery of an additional 1.5 million ballot papers in Kinshasa and Lubumbashi from South Africa on 29 November 2011. There was also some confusion regarding the voters' register and the location of several polling stations.

9. On 9 December, the Independent National Electoral Commission announced the provisional results of the presidential elections, according to which President Kabila obtained 8,880,944 votes (48.95 per cent), followed by Mr. Tshisekedi with 5,864,775 votes (32.33 per cent) and Mr. Kamerhe with 1,403,372 votes (7.74 per

cent). According to the Commission, nearly 19 million, about 59 per cent, of the 32 million registered voters cast their votes.

10. On 12 December, the Independent National Electoral Commission transmitted the provisional results of the presidential polls to the Supreme Court of Justice for validation. On the same day, Mr. Kamerhe filed the only petition received by the Supreme Court of Justice calling for the nullification of the provisional results announced by the Commission due to alleged irregularities in the process. On 16 December, the Court dismissed Mr. Kamerhe's petition, validated without change the provisional results announced by the Commission and declared Mr. Kabila the winner of the presidential election.

11. A number of opposition candidates expressed concern about the electoral process and rejected the results. On 29 November 2011, Mr. Kengo wa Dondo and two other presidential candidates issued a joint statement proposing the annulment of the presidential and legislative elections and the establishment of a "realistic calendar for the organization of a new round of elections conducted by a transitional government". On 9 December, Mr. Tshisekedi described the provisional results announced by the Independent National Electoral Commission as "a provocation", proclaimed himself president-elect and called for the "intervention of the international community". In another statement on 17 December 2011, while reiterating his call for calm, Mr. Tshisekedi indicated that he would take the oath for the office of the President on 23 December 2011 in the main stadium in Kinshasa. On 12 December 2011, during a press conference, President Kabila acknowledged that mistakes had been made in the conduct of the elections, but argued that they were not of a nature to put the results announced by the Commission in question.

12. The presidential and legislative elections were observed by several intergovernmental organizations, including a number of African organizations, namely the African Union, the Southern African Development Community (SADC), the Economic Community of Central African States (ECCAS), the International Conference on the Great Lakes Region, the Common Market for Eastern and Southern Africa (COMESA); the International Organization internationale of the Francophonie; the European Union Observer Mission; and the Association of European Parliamentarians for Africa. Also present were observers from international non-governmental organizations, notably the Carter Center, the National Democratic Institute, the Electoral Institute for Sustainable Democracy in Africa, and Agir pour des élections libres et transparentes, and the European Network for Central Africa. The Government of Switzerland financed the deployment of 48,200 national observers, while another 6,340 were trained and deployed by the Carter Center and 8,000 by the Electoral Institute for Sustainable Democracy in Africa. According to the Independent National Electoral Commission, there were 785 international and over 100,000 accredited national observers for the presidential and legislative polls. Political party representatives and witnesses were also accredited by the Commission to monitor polling and vote counting operations.

13. On 30 November 2011, the African Union, SADC, ECCAS, the International Conference on the Great Lakes Region and COMESA issued a joint statement welcoming the successful and largely satisfactory conduct of the elections, despite technical and logistical challenges, and expressing regret at isolated acts of violence that had accompanied the elections. In a statement issued on 10 December 2011, the Carter Center declared that the process lacked credibility because of several instances

of mismanagement of the process, but indicated that these did not necessarily affect the ranking of the presidential candidates in the polls. On 13 December 2011, the European Union Observer Mission issued a statement highlighting the lack of transparency and irregularities in the collection, the compilation and the publication of the results. The European Union Observer Mission noted that up to 1.6 million votes in the presidential polls had not been counted and that safeguards to ensure an adequate results compilation process, notably the public posting of the results outside each polling station, had not been respected in some areas.

14. A number of statements were also issued by Congolese civil society and religious organizations, including the National Episcopal Conference of Congo, which deployed the largest observer mission, of about 30,000 observers, in the country. Most of them criticized the mismanagement and lack of transparency in the conduct of the elections, deplored elections-related violence and called on the Independent National Electoral Commission and the judicial authorities to take the necessary measures to correct the situation.

15. The reactions of the international partners of the Democratic Republic of the Congo were mixed. Some countries, including Belgium, France, the United States of America and the United Kingdom of Great Britain and Northern Ireland, issued official statements expressing serious concern about the irregularities observed in the electoral process, while noting that these may not have changed the outcome of the elections. A number of partners emphasized the importance of enhancing the transparency of the vote counting process for the legislative polls, as well as the upcoming provincial and local elections. Other Governments, including the Government of South Africa, welcomed the successful conclusion of the electoral process, while taking note of the significant logistical challenges involved. At a summit meeting of the International Conference on the Great Lakes Region on 14 and 15 December 2011 in Kampala, a statement jointly issued by Burundi, the Central African Republic, Kenya, Uganda, the United Republic of Tanzania and Zambia called on all Congolese parties to accept the results and to focus on the next phase of reconstruction.

16. On 20 December, Mr. Kabila was sworn in as the President of the Republic by the Chief Justice of the Supreme Court for a second five-year term. The ceremony was attended, notably, by President Robert Mugabe of Zimbabwe, ministers from a number of countries in the region, accredited ambassadors in Kinshasa, my Special Representative for the Democratic Republic of the Congo and my Deputy Special Representative and Humanitarian and Resident Coordinator for the Democratic Republic of the Congo.

17. On 21 December 2011, the Independent National Electoral Commission suspended the compilation of results for the legislative elections because of reported irregularities. The vote counting and announcement of preliminary results was resumed by the Independent National Electoral Commission on 28 December 2011. On 4 January, a team of international technical experts arrived in the Democratic Republic of the Congo to support the process. On 12 January, the Commission announced that it would postpone by a few days the publication of the provisional results of the legislative elections, which was originally scheduled for 13 January.

18. The post-electoral security situation was characterized by a heightened presence of national security forces in Kinshasa and other cities, sporadic outbreaks of violence and human rights violations (see paras. 46-47). On 23 December, Mr. Tshisekedi

organized a swearing in ceremony for himself as President at his residence in Kinshasa. National police elements used tear gas in some parts of the city to disperse crowds gathered in support of Mr. Tshisekedi, among which they reportedly conducted several arrests. At least one person was reportedly killed and another wounded. MONUSCO is investigating reports of human rights violations, including executions and arbitrary arrests by national security elements, in connection with the presidential and legislative elections.

North Kivu, South Kivu, Maniema and Katanga provinces

19. The Forces armées de la République démocratique du Congo (FARDC) regimentation process in the provinces of North and South Kivu was completed during the reporting period. FARDC units were redeployed to fill security gaps and resume military operations. MONUSCO conducted 10 military operations, including three jointly with FARDC, to deter armed group activities and enhance the protection of civilians, notably in the Kivus.

20. In North Kivu, the Forces démocratiques de libération du Rwanda (FDLR) and the Ugandan Allied Democratic Front (ADF) remained active. However, FDLR continued to be weakened under military and judicial pressure and efforts to encourage its combatants to surrender. On 18 November 2011, a senior FDLR commander, "Colonel" Amani, along with three other FDLR elements, surrendered to FARDC in Rutshuru territory. On 21 November 2011, "Lieutenant-Colonel" Sadiki was allegedly killed by Mayi-Mayi Cheka elements in Walikale territory. He had reportedly been involved in mass rapes and other human rights violations committed by a coalition of armed groups, including Mayi-Mayi Cheka, along the Kibua-Mpofi axis in Walikale territory in July and August 2010. Fifty Mayi-Mayi Cheka elements surrendered to FARDC shortly after the death of Sadiki. Reports indicate that, between 3 and 9 December 2011, two other senior FDLR commanders were killed in combat.

21. On 16 December 2011, the pretrial chamber of the International Criminal Court (ICC) declined to confirm charges against the Executive Secretary of FDLR, Callixte Mbarushimana, for alleged war crimes and crimes against humanity committed in the Kivus in 2009, and ordered his release. An appeal by the ICC Prosecutor on 19 and 20 December 2011 for the suspension of the release order was rejected. Mr. Mbarushimana was released on 23 December 2011 and is currently under investigation in France regarding his alleged involvement in crimes committed during the genocide in Rwanda in 1994.

22. A number of command positions created as part of the FARDC regimentation process were given to former commanders of the Congrès national pour la défense du peuple (CNDP). Nevertheless, a number of CNDP elements continued to maintain parallel command and control structures within FARDC and to resist orders to redeploy outside their current areas of operation. Although ADF suffered several losses as FARDC intensified unilateral operations against the group in Beni and Lubero territories, it continued to confront FARDC as it withdrew into the Ruwenzori Mountains and to expand its activities into Ituri district in Orientale province.

23. In South Kivu, new ethnic tensions emerged between the Babembe and Banyamulenge communities in the Hauts Plateaux territories of Fizi district. The situation remained fragile in some parts of Shabunda, northern Kalehe, the Moyens and Hauts Plateaux territories and some areas along the shores of Lake Tanganyika.

In November, FARDC military operations against Mayi-Mayi Yakutumba, which has forged a loose alliance with the Burundian Forces nationales de libération (FNL), forced the Mayi-Mayi Yakutumba to vacate the Ubwari Peninsula and some parts of the shores of Lake Tanganyika, while continuing to commit acts of piracy and other attacks in the area. There were reports of attempts by Mayi-Mayi Yakutumba to forge new alliances with other Mayi-Mayi groups. The integration of the Forces républicaines fédéralistes (FRF) into FARDC remained incomplete and some FRF elements continued to carry out militia activities.

24. Between 1 and 4 January, an estimated 45 people were killed by suspected FDLR combatants and approximately 2,700 persons were internally displaced during attacks on several remote villages in Shabunda territory, South Kivu. On 5 January MONUSCO conducted a reconnaissance mission to the area, and on 6 January the Mission established a mobile base at Lubimbe and dispatched patrols to other affected areas. In coordination with the International Committee of the Red Cross, MONUSCO also evacuated a number of severely injured civilians. FARDC also deployed units to the area. MONUSCO planned to deploy a multidisciplinary mission to Shabunda to assess protection needs, in coordination with the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat and the Office of the United Nations High Commissioner for Refugees (UNHCR) and to dispatch an investigation team to the area as soon as the security conditions on the ground permit.

25. In Maniema, clashes were reported between FDLR and FARDC in Kabambare territory. In Katanga, the security situation remained tense owing to the presence of FDLR elements in Kisenge, the arrival in Kapanga of significant numbers of Congolese nationals expelled from Angola and the presence of former Mayi-Mayi combatants in Malemba-Nkulu, Mitwaba and Bukama. The election campaign heightened ethnic tensions between Katangans and Kasaians in the Lubumbashi area.

Orientale province

26. Information provided by surrendered LRA dependents during the reporting period suggested that LRA may be increasingly dispersed across the Central African Republic, the Democratic Republic of the Congo, and South Sudan subregion, and that the group may be weakening. Reported instances of LRA atrocities against civilians in Haut Uélé and Bas Uélé in Orientale province also decreased between October and early December 2011, even as the group retained a capacity to mount attacks. FARDC conducted a number of unilateral operations aimed at containing LRA activities around the Garamba National Park. MONUSCO also launched one unilateral and three joint operations against LRA. One of these, "Operation Santa Claus", launched on 18 December 2011, aimed at protecting civilians over the Christmas period, when LRA has in the past conducted particularly brutal attacks against civilians. As part of the operation, MONUSCO established 13 mobile operating bases in Haut Uélé and Bas Uélé and intensified patrolling.

27. In October 2011, the Government of the United States announced the deployment of 100 military advisers to the LRA-affected areas in the subregion to strengthen the efforts of national armed forces in their operations against LRA. On 22 November 2011, the African Union Peace and Security Council authorized a regional cooperation initiative against LRA for an initial period of six months. On 23 November 2011, the Chairperson of the African Union Commission appointed

Francisco Madeira of Mozambique as his Special Envoy on LRA. Between 3 and 7 January, the African Union Special Envoy and my Special Representative and Head of the United Nations Regional Office for Central Africa (UNOCA), Abou Moussa, visited the affected countries for consultations on LRA.

28. In Ituri district, the threat posed by militia groups, in particular the Front populaire pour la justice au Congo (FPJC) and the Front de résistance patriotique de l'Ituri (FRPI), persisted. On 2 December 2011, a militia group attacked a MONUSCO patrol in the Bunia area. On 22 December 2011, MONUSCO launched "Operation Santa Claus-Ituri" to ensure the protection of civilians during the Christmas to New Year period.

Humanitarian situation

29. Insecurity and clashes between armed groups and FARDC caused new population movements in the eastern provinces. Over 15,000 people were displaced in the Kivus and some 17,000 in Maniema province. Humanitarian agencies estimate that there were approximately 1.71 million internally displaced persons (IDPs) in the Uélé districts, Maniema, the Kivus, and northern and central Katanga province as at 1 October 2011. That included roughly 1 million IDPs in North and South Kivu provinces and approximately 500,000 in Orientale province.

30. Humanitarian access continued to be a major concern for United Nations and non-governmental humanitarian partners. Between January and December 2011, 166 security incidents against humanitarian workers were recorded in North and South Kivu. In October 2011, five Congolese humanitarian workers were killed in South Kivu by Mayi-Mayi Yakutumba elements in what appeared to be a targeted ethnic-based attack.

31. Following a tripartite meeting held in Luanda, on 24 and 25 October 2011, between the Democratic Republic of the Congo, Angola and UNHCR, the three parties agreed to launch repatriation operations on 4 November. Subsequently, 1,264 Angolan refugees in Bas-Congo province and 274 in Katanga province returned to Angola. Meanwhile, the expulsion of Congolese nationals from Angola continued, in some instances accompanied by serious human rights violations, including sexual and gender-based violence attributed to Angolan security forces. Between January and October 2011, over 85,000 people were reportedly expelled, several of whom experienced serious human rights abuses, including more than 3,700 reported cases of sexual and gender-based violence.

32. Over 126,000 cases of measles have been recorded since the outbreak of an epidemic in early 2011, notably in Katanga and Kasai Oriental provinces, with some 1,600 deaths, mainly of children. On 19 December, the Government of the Democratic Republic of the Congo, supported by the United Nations Children's Fund and the World Health Organization, launched an immediate and medium-term response plan encompassing vaccinations and treatment in Bandundu, Bas-Congo, Kinshasa and North Kivu provinces. A polio outbreak persisted, with 92 cases recorded in Bandundu, Bas-Congo, Kasai Occidental, Katanga, Kinshasa and Maniema provinces. The cholera epidemic in Bandundu, Equateur, Kinshasa and Orientale provinces continued, with some 7,952 cases recorded, including 431 deaths. The intervention of humanitarian actors funded from the Central Emergency Response Fund helped to reduce death rates from 11 and 12 per cent of recorded cases in June to 5 and 6 per cent in November 2011. However, the epidemic

continued to spread to new areas, with 21,513 cases of cholera and 575 deaths reported in 2011. Malnutrition, in particular acute malnutrition among children under the age of five, continued to be critical in western provinces.

33. On 14 December 2011, the Office for the Coordination of Humanitarian Affairs launched the global Consolidated Humanitarian Appeals for 2012, including a request for $719 million to cover the most urgent humanitarian needs in the Democratic Republic of the Congo. The 2011 Humanitarian Appeal for the Democratic Republic of the Congo sought $721 million and was 62 per cent funded.

Regional developments

34. On 12 November 2011, President Jacob Zuma of South Africa and President Joseph Kabila signed a preliminary agreement to develop the Grand Inga Dam in the Democratic Republic of the Congo at the Inga Falls on the Congo River in Bas-Congo province. The dam would reportedly be the largest hydroelectric power scheme in the world, with the potential capacity to generate some 40,000 megawatts.

35. On 15 and 16 December 2011, the fourth ordinary summit meeting of Heads of State and Government of the International Conference on the Great Lakes Region in Kampala, elected the candidate of the Democratic Republic of the Congo, Ntumba Luaba, as the new Executive Secretary of the organization, effective 1 January. The summit, which included a special session on sexual and gender-based violence, issued a declaration aimed at preventing and ending impunity with regard to sexual and gender-based violence in States members of the International Conference on the Great Lakes Region.

III. Implementation of the mandate of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Protection of civilians

36. MONUSCO, together with United Nations agencies, funds and programmes, and in line with the United Nations system-wide strategy on the protection of civilians, developed and implemented a joint contingency plan to meet specific protection needs during the electoral period. Under this plan, MONUSCO redeployed some troops and police, including approximately 1,400 uniformed personnel deployed in Kinshasa, who conducted active patrols prior to, during and after the polls. With approximately 94 per cent of MONUSCO troops based in the eastern provinces, several units were placed on standby for rapid deployment across the country in the event of a deterioration of the security situation.

37. From October to December 2011, MONUSCO conducted 13 joint protection team missions in North and South Kivu, Katanga, Ituri and Haut Uélé. In all, 46 joint protection team missions were conducted in 2011. The first pilot phase of 24 Community Alert Networks established in North and South Kivu and in Orientale province enabled more than 200 communities in isolated areas to contact local authorities and/or MONUSCO through the Mission's Community Liaison Assistants, in order to alert and request intervention in the event of threats to their communities. The establishment of an additional 20 Community Alert Networks began during the reporting period. The Community Alert Networks are complemented by a high-

frequency radio project that is being implemented by partner international non-governmental organizations for some areas without cell phone coverage.

38. In November 2011, MONUSCO organized two civilian protection training-of-trainers programmes and general training for 175 staff members in Kinshasa, Goma, Bukavu and Bunia, in partnership with the Kofi Annan International Peacekeeping Training Centre. With the technical support of Search for Common Ground, MONUSCO also organized conflict resolution workshops in Bas Uélé in October 2011, aimed at facilitating peaceful cohabitation among the M'bororo pastoralists, FARDC, local communities and local public authorities.

Preparations for the elections

39. MONUSCO provided technical advice to the Independent National Electoral Commission and logistical support for the successful deployment of 3,977 tons of sensitive and non-sensitive material to 15 hubs and 210 sub-hubs throughout the Democratic Republic of the Congo in support of the presidential and legislative elections, under an extremely tight time frame. In addition, while the Commission carried out the deployment of electoral material to some 17,000 polling centres and 64,000 polling stations, MONUSCO transported material to 400 polling stations in areas identified as insecure and/or remote. In close collaboration with MONUSCO, the United Nations Development Programme (UNDP) also supported the Commission in updating the voters' register, procuring electoral training and sensitization materials, paying allowances through the Commission to some 336,000 national electoral staff and 84,500 police, providing institutional support to the National Data Treatment Centre, setting up the Commission website and facilitating meetings between the Commission and various electoral stakeholders.

40. MONUSCO continued its good offices efforts, including by providing support to the Independent National Electoral Commission to facilitate dialogue through the convening of meetings of the Forum of Political Parties, the Commission and political parties and youth organizations and numerous meetings at the national and provincial levels of political party representatives and religious leaders. In this connection, MONUSCO and UNDP supported the Commission in organizing 26 youth workshops in Kinshasa and in each of the provinces to sensitize youth on their role in ensuring a peaceful environment for the elections. MONUSCO also supported the holding of a subregional workshop on gender and preventive diplomacy in Goma from 15 to 17 November, which was attended by 120 participants from Burundi, the Democratic Republic of the Congo, Rwanda and Uganda. The workshop adopted a declaration on the prevention of electoral violence and recommended strategies for strengthening peace and security mechanisms in the Great Lakes region during elections. Furthermore, MONUSCO conducted a gender sensitization campaign in collaboration with the Independent National Electoral Commission, UNDP, the United Nations Entity for Gender Equality and the Empowerment of Women and the National Democratic Institute, during which about 900 women candidates for the legislative elections and 515 trainers of women candidates for the provincial and local elections were trained on electoral issues. In addition, Radio Okapi broadcast voter education programmes in French and four local languages, and supported the participation of a range of political stakeholders in radio debates, dialogue and discussion. This included broadcasting interviews with several presidential candidates.

41. In addition to completing the training of six crowd control units in Kinshasa, comprising 3,000 Congolese National Police personnel, MONUSCO conducted specialized election security training for 15,531 Congolese National Police officers, including 984 policewomen, as well as 180 other police officers and 50 FARDC personnel. From 10 to 24 November 2011, a joint security assessment of the provinces was conducted by the Congolese National Police, FARDC and MONUSCO and led by the Congolese National Police Commissioner-General. MONUSCO police also provided operational advice to the Congolese National Police and supported the deployment of personnel and equipment to relevant areas.

Stabilization and progress on achieving a coordinated approach towards peacebuilding

42. On 30 October, President Kabila signed a presidential ordinance extending the Stabilization and Reconstruction Plan for Eastern Democratic Republic of the Congo (STAREC) until June 2014. During the period under review, MONUSCO and partners completed the development of the second phase of the International Security and Stabilization Support Strategy (ISSSS): the stabilization priority plan for 2012-2014. The plan identifies 37 priority projects aimed at expanding stabilization efforts in North and South Kivu, Orientale, Maniema and Katanga provinces.

43. Under ISSSS, in South Kivu, sections of the Baraka-Fizi-Minembwe road and the Otobora-Musenge road were rehabilitated. Two FARDC garrisons and the rehabilitation of the Hombo bridge on a principal road between North and South Kivu were also completed. The transfer of a first group of 90 prisoners to the newly constructed prison in Rutshuru took place and planning began for the transfer of prisoners to the Bunyakiri prison, which was also completed. In Ituri, the construction of 10 police stations was completed and 80 police officers received specialized training in combating sexual violence.

44. MONUSCO and the United Nations country team completed the development of the 2011-2013 United Nations Transitional Framework for the Democratic Republic of the Congo. The Framework articulates common areas of joint activities and collaboration between MONUSCO and the United Nations agencies, funds and programmes with a view to ensuring coherence and avoiding duplication. On 3 November 2011, the draft Peace Consolidation Programme, which was developed in consultation with key Government stakeholders, was presented to donors. It is to be submitted to the Government for final approval during the first quarter of 2012.

45. On 2 November, UNDP released the *Human Development Report 2011*, which ranked the Democratic Republic of the Congo 187th of the 187 countries listed in its 2011 Human Development Index.

Human rights

46. On 9 November 2011, MONUSCO and the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a report documenting 188 human rights violations of varying degrees of severity linked to the electoral process that occurred between 1 November 2010 and 30 September 2011. From 1 October to 31 December 2011, the United Nations Joint Human Rights Office documented an additional 221 election-related human rights violations, the majority of which were allegedly committed by national security elements. The violations most frequently infringed individuals' freedom of expression, the right to physical integrity and the

right to liberty and security of person and the right to freedom of peaceful assembly. Numerous cases of arbitrary arrest and ill-treatment, primarily of supporters of the political opposition, were also reported across the country, often linked with attempts to assemble peacefully. There were also incidents of violence and disturbance of public order committed by supporters of political parties.

47. In particular, a human rights investigation conducted by the United Nations Joint Human Rights Office that is ongoing found that at least 27 people were killed and others wounded in Kinshasa between 26 November and 12 December 2011, including by gunshots fired by elements of the national security forces, including the Republican Guard. Reports of similar incidents, which are also being verified and further investigated, were received from Bas-Congo, North Kivu, Kasai Occidental and Kasai Oriental. In other parts of the country, during the same period, elements of the national security forces reportedly committed several killings, including at least one person in Matadi, one in North Kivu, two in Kasai Occidental and two in Kasai Oriental.

48. On 13 December 2011 in Goma, North Kivu, five members of opposition political parties, including the provincial representative of UDPS and a candidate of the Union pour la nation congolaise for the National Assembly, were arrested following an attempt to organize a public protest that was quickly dispersed by the police. On 20 December 2011, a tribunal in Goma acquitted four of the five accused for lack of evidence. The fifth accused was sentenced to 12 months' imprisonment, including a six-month suspended sentence. On 20 December 2011, in Butembo, Congolese National Police personnel arrested five UDPS members and two Union pour la nation congolaise members for criticizing the electoral process in public. On 22 December 2011, following the intervention of the United Nations Joint Human Rights Office, the prosecutor ordered their release. On 21 December 2011, a tribunal in Bukavu acquitted 11 opposition party members of charges of criminal participation in a rebellion following their attempt to organize a public protest during a period when political demonstrations were prohibited by provincial authorities. They were released from pretrial custody on 22 December 2011.

49. Armed groups remained a major threat to civilians in the Kivus and in Orientale province. More than 90 human rights abuses by armed groups, mostly by Mayi-Mayi, FRPI, FDLR and LRA elements, were documented by the United Nations Joint Human Rights Office during the reporting period.

50. Some progress was made in combating impunity. Several mobile courts held trials throughout the country, some with the support of MONUSCO. The Isiro Military Tribunal in Orientale province held mobile hearings from 18 October to 10 November 2011, during which 30 FARDC soldiers, non-commissioned officers, a commander and a civilian were sentenced to penalties ranging from six months of imprisonment to death for murder, attempted murder and rape. From 1 to 9 November 2011, the Military Court of South Kivu sentenced 12 FARDC soldiers, including 11 convicted of rape, to prison terms ranging from five years to life imprisonment. Between 15 and 24 November 2011, a military mobile court in Masisi, South Kivu, sentenced 18 people, including two Congolese National Police personnel and four FARDC personnel, to prison terms ranging between 2 and 20 years for sexual violence perpetrated against female minors. On 6 December 2011, the trial of "Colonel" Sandoke Kirunda Mayele, a former Mayi-Mayi Cheka commander, and others began in Goma with regard to the mass rapes and other serious human rights

violations committed along the Kibua-Mpofi road in Walikale territory, North Kivu, in July and August 2010.

51. Little progress was made, however, regarding other cases of rape and serious human rights violations, including those committed in Mutongo and surrounding villages, in Walikale territory, in Bushani and Kalambahiro, Masisi territory, North Kivu, and other cases. The perpetrators of these crimes, with the exception of a commander implicated in the rapes in Walikale, have yet to be arrested. On 21 October 2011, Colonel Safari, one of the five FARDC officers alleged to have committed rapes and other human rights violations, whose names were given by a delegation of the Security Council to President Kabila in Kinshasa in May 2009, was acquitted by the military court of Kinshasa for lack of evidence. The prosecution of FRF elements recently integrated into FARDC and who allegedly raped nine women and looted a health centre and several households in Kikozi, Uvira territory, South Kivu, in March 2011, has yet to start due to lack of cooperation on the part of the FARDC leadership in South Kivu with military justice authorities.

Sexual violence

52. The adoption, on 16 December 2011, by the Heads of State and Government of the International Conference on the Great Lakes Region of a declaration on sexual and gender-based violence that recognized its severe impact on the individual, family, community and State in the Great Lakes region (see para. 35) marked an important step with regard to the engagement of the States members of the Conference on this important issue.

53. Between 13 and 18 November 2011, an OHCHR team visited the Democratic Republic of the Congo to follow up on the recommendations of the report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of the Congo, issued on 3 March 2011, within the framework of the project on reparations for victims of sexual violence in the country funded by the Government of Brazil. Under the same project, the United Nations Joint Human Rights Office entered into partnership with three new legal clinics in Equateur province, to facilitate access to justice for victims of sexual violence.

54. In eastern Democratic Republic of the Congo, 2,131 victims of sexual violence received medical assistance and 1,590 psychosocial care, while 568 benefited from reintegration programmes and 34 from legal referrals. Progress was also made towards the establishment of a harmonized approach to support victims with the completion of the medical, the psychosocial, the reintegration and the legal referral protocols among partners. With funding from the Swedish International Development Agency, the United Nations Joint Human Rights Office supported the rehabilitation of offices for the Special Sexual Violence Units of the Congolese National Police in Lubumbashi. In South Kivu and Orientale province, MONUSCO trained 130 military trainers and 30 senior FARDC officers, while 2,000 FARDC soldiers were sensitized on sexual and gender-based violence.

Children and armed conflict

55. MONUSCO documented 153 cases of children who were separated from armed groups and national security forces. The Ministry of Justice and Human Rights and the Ministry of Defence established a Joint Committee and nominated focal points to discuss the action plan to end the recruitment and the use of children

by FARDC. However, the Government of the Democratic Republic of the Congo has not yet issued an official communication to confirm its commitment to develop, adopt and implement such a plan. Children were seen voting in several provinces and were reportedly hired as political party witnesses in some areas.

Illegal exploitation of natural resources

56. With the assistance of the International Conference on the Great Lakes Region, countries in the subregion, notably Rwanda and Burundi, took measures to raise mining operators' awareness of due diligence guidelines in accordance with Security Council resolution 1952 (2010). The Rwanda Geology and Mines Authority launched a pilot project on mineral certification and Burundian authorities held a number of awareness-raising workshops for relevant stakeholders. In November 2011, Rwandan border officials returned 80 tons of intercepted minerals to Congolese authorities due to improved traceability of parcels of cassiterite, coltan and wolframite.

57. On 28 November 2011, the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo added Ntabo Ntaberi Cheka, leader of the Mayi-Mayi Cheka armed group, to its travel ban and assets freeze list. The Committee noted that the Mayi-Mayi Cheka had carried out attacks on mines in eastern Democratic Republic of the Congo, including taking over the Bisiye mines in North Kivu and extorting from locals. Cheka, who filed his candidature for the legislative elections, faces arrest and prosecution for his alleged involvement in mass rapes and other human rights violations committed by a coalition of armed groups along the Kibua-Mpofi road in Walikale territory in July-August 2010.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

58. During the reporting period, MONUSCO facilitated the repatriation of 253 adult combatants, most of whom were FDLR, as well as 353 dependents and 4 children associated with armed groups. In addition, 77 Congolese FDLR combatants and 74 children were disarmed. The number of active FDLR combatants, now estimated to be less than 2,000, continued to fall.

59. Through its regional radio network, MONUSCO continued to strengthen sensitization efforts to encourage defections from LRA. Twenty-two LRA elements participated in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration programme following the release of two groups of LRA dependants. In coordination with MONUSCO, the United Nations Mission in South Sudan (UNMISS) and the Government of South Sudan assisted in the expansion of the coverage of the regional radio networks. In addition, 50,000 leaflets on disarmament, demobilization, repatriation, resettlement and reintegration were distributed by the Ugandan People's Defence Force and the Sudan People's Liberation Army in their respective areas of operation. The Government of Burundi continued to refuse the return of Burundian ex-combatants. Meanwhile, the disarmament, demobilization and reintegration process for the 4,000 residual Congolese former combatants remained suspended.

Mine action

60. Explosive remnants of war and ammunition depots in local communities remained a major security and safety threat. On 28 November 2011, MONUSCO cleared explosive remnants of war following an attack by armed men against an ammunition storage facility within a FARDC camp in Lubumbashi. The United Nations Mine Action Coordination Centre also worked with FARDC contingents to improve the physical security and management of their ammunition depots in Goma and Kisangani.

Support to security sector development

61. MONUSCO had little opportunity to support the efforts of the Government to coordinate security sector reform because of the focus on presidential and national elections. With the approval of the Minister of Justice, MONUSCO continued to work with Congolese authorities on mapping data on the capacities of the Congolese judiciary and corrections institutions.

Police

62. MONUSCO police continued to support the Executive Secretariat of the Steering Committee for Police Reform in the development of a legal framework for the implementation of legislation promulgated in August 2011 on police reform, as well as legislation on the status of police personnel. On 8 October 2011, the census of the national police funded by the European Union and implemented by the International Organization for Migration was completed. According to the census results, the Congolese National Police comprises 110,097 personnel.

63. In October 2011, MONUSCO began two six-month basic training programmes funded by the Japanese International Cooperation Agency, in Kapalata, Orientale province, and in Kasangulu, Bas-Congo province, for 500 police recruits at each location, in close cooperation with UNDP.

Rule of law and corrections

64. With support from the European Union and the Government of the United States, MONUSCO supported initiatives launched during the reporting period aimed at improving civilian justice and computerizing the military justice institutions, respectively.

65. On 7 and 13 October 2011, presidential ordinances ordered the early retirement of 61 magistrates. At the request of the High Judicial Council, MONUSCO supported the deployment of 352 newly appointed magistrates to eight provinces. These deployments are part of the plan by the High Judicial Council to strengthen the judiciary by elevating 490 prosecutors to the bench. Approval by the Minister of Justice and Human Rights of the draft multi-year joint justice support programme was still pending at the time of this report.

66. MONUSCO supported the Ministry of Defence to establish five Prosecution Support Cells, four of which are operational in Bukavu, Goma, Bunia and Kalemie. The fifth is expected to be established in Kindu, Maniema province, in early 2012. In Goma, the Prosecution Support Cell is providing support for the trial of alleged perpetrators of the Walikale atrocities of July and August 2010 (see para. 50).

67. The pre-election period was marked by prison unrest, including strikes by prison staff, prisoner riots and mass escapes. The reporting period witnessed the escape of about 614 inmates, of whom 402, including 129 FARDC soldiers, escaped from the Kangbayi prison in Beni, North Kivu, when it was attacked during the night of 27 November, allegedly by Mayi-Mayi elements. On 1 January, a prison break attempt at the Bukavu Central Prison, in South Kivu, resulted in the death of 8 prisoners and the injury of 47 others. Health conditions also remain a grave concern, with 22 deaths of inmates recorded in November and December 2011. MONUSCO initiated the formation of four inter-agency prison reform working groups led by Congolese authorities to help fast-track prison reform activities. Several prison assessments were conducted and some facilities continued to undergo rehabilitation.

Joint assessment process

68. The United Nations and the Government of the Democratic Republic of the Congo continued to assess the situation on the ground and progress made towards the implementation of the objectives outlined in paragraph 4 of Security Council resolution 1991 (2011). In December 2011, joint assessment teams were deployed in the Kivus and in Orientale province. The teams noted the deployment of the newly formed FARDC regiments, as well as improved FARDC effectiveness in addressing the presence of armed groups, especially in the Kivus, where operations were conducted against FDLR and the Mayi-Mayi Yakutumba. A number of attacks by ADF in Beni territory, in North Kivu, were also successfully thwarted. The teams nevertheless noted the forging of alliances between Mayi-Mayi Yakutumba and some smaller Mayi-Mayi groups and FNL, as well as the reactivation and the creation of several new vigilante groups in North and South Kivu.

Mission deployment

69. Some progress was made following my letter dated 20 September to the President of the Security Council (S/2011/589) towards alleviating the shortage of military helicopters in MONUSCO. On 18 November 2011, an additional utility helicopter provided by the Government of South Africa arrived in the Mission area. Three utility helicopters provided by the Government of Pakistan arrived in the Mission area in December, while the Government of Uruguay confirmed the pledge of one additional utility helicopter that is expected to arrive during the first half of 2012. On 22 December 2011, the Government of Ukraine confirmed a contribution of four attack helicopters to MONUSCO that are expected to be deployed in early 2012. Even with these contributions in place, MONUSCO will still face a shortfall of four military utility helicopters and two attack helicopters.

IV. Observations

70. As the Security Council underlined in its resolution 1991 (2011), inclusive, peaceful, credible and transparent elections are a key condition for the consolidation of democracy, national reconciliation and the restoration of stability, peace and security in the Democratic Republic of the Congo. In this context, I welcome the participation of the Congolese people in the 28 November presidential and legislative elections. I also take note of the efforts of the Independent National Electoral Commission to carry out this challenging operation, with the technical and logistical support of MONUSCO and UNDP and the financial support of the

Democratic Republic of the Congo's bilateral and multilateral partners. I further note that the Congolese authorities took the lead role in the preparation and conduct of these elections, which is an important step in the country's transition.

71. However, many serious irregularities were observed in the management of the electoral process. In addition, the Democratic Republic of the Congo may continue to face a period of uncertainty connected with the electoral process. In this context, I urge the Independent National Electoral Commission, in close consultation with Congolese and international stakeholders, to address the shortcomings identified by a number of observers of the presidential and legislative elections and to take the necessary corrective measures in a timely manner. This should include a comprehensive review of the electoral process, whose results and lessons learned should be utilized in conducting the provincial and local elections in 2012 and 2013, respectively. I also encourage all the parties to use the existing legal and mediation mechanisms for the resolution of pending electoral disputes.

72. Incidents of violence connected with the elections are of serious concern. Elections should be an opportunity to consolidate stability and the gains of peace and development. In this regard, while a significant deterioration in the security situation was avoided, the presidential and legislative elections were seriously marred by a number of deaths and injuries. Furthermore, national security force elements were reportedly involved in a number of extrajudicial executions and arbitrary arrests, and committed other serious human rights violations. I strongly urge the Congolese authorities to ensure respect for human rights, including through avoiding the excessive use of force and complying with international human rights law in dealing with public demonstrations and other instances of civil unrest that may accompany future elections. Perpetrators of human rights violations should also be held accountable. In this connection, the findings of MONUSCO investigations into reported human rights violations related to the elections will be included in my next report.

73. In the east, notably in the Kivus, some of the momentum that was lost in recent months in addressing the armed groups was regained following the completion of the FARDC regimentation process. FDLR, which continues to pose a major threat to civilians in the Kivus, continued to show signs of stress and internal weakness due to military and judicial pressure and disarmament, demobilization, repatriation, resettlement and reintegration efforts of MONUSCO. Several Congolese armed groups also continued to pose a serious threat to the civilian population in the areas where they are present and the parallel chain of command of CNDP elements integrated into FARDC remained worrisome.

74. While the reported number of civilians killed and abducted by LRA in the Democratic Republic of the Congo declined, the group continued to inflict grave suffering on thousands of civilians in the Uélés, Orientale province. A robust and flexible military posture in the area remains important, as reflected in the end of year military operations of MONUSCO to protect civilians in the Uélés. MONUSCO, UNMISS and the United Nations Integrated Peacebuilding Office in the Central African Republic also took additional steps to increase cross-border and inter-mission cooperation, particularly with regard to disarmament, demobilization, repatriation, resettlement and reintegration efforts targeting LRA. Coordinated regional efforts are key to addressing the threat posed by the armed group and, in this regard, I welcome the progress made by the African Union and the four affected

countries regarding the regional cooperation initiative against LRA. I am pleased to note the appointment by the African Union of a Special Envoy on LRA and the visits that he carried out jointly with my Special Representative and Head of UNOCA to the affected countries in January.

75. Military helicopters are crucial for the fulfilment of the mandate of MONUSCO in eastern Democratic Republic of the Congo. I welcome the considerable progress made to address the shortfall with new deployments from the Governments of South Africa and Pakistan. I also welcome the additional pledges by the Governments of Ukraine and Uruguay. I am hopeful that outstanding critical gaps will be addressed soon by further contributions by Member States, particularly the provision of attack helicopters. Their availability is essential to ensure the operational capability of MONUSCO to carry out civilian protection and other priority mandated tasks.

76. Sexual violence continues to be a major concern, although progress has been made by Congolese judicial authorities to prosecute some of these crimes. The majority of acts of sexual violence in eastern Democratic Republic of the Congo are committed by armed groups, notably FDLR, as well as by elements integrated into FARDC, including from CNDP and other former Congolese armed groups. This underscores the importance of neutralizing the threat of armed groups, as well as the need to review the FARDC approach to the integration of armed groups, which MONUSCO stands ready to support. In the meantime, ongoing efforts by my Special Representative on Sexual Violence in Conflict, in collaboration with MONUSCO, including strengthening the capacity of the Congolese judicial authorities to prosecute and convict the perpetrators of sexual violence, remain essential. It will also be important for national authorities to develop, on an urgent basis, a new national justice strategic plan for the strengthening of judicial and corrections institutions.

77. I am concerned by the reports of serious human rights violations, including sexual violence, that have accompanied the expulsion of Congolese nationals from Angola. I encourage the Government of Angola to continue its constructive engagement with my Special Representative on Sexual Violence in Conflict and other United Nations entities to implement the joint communiqué of 24 March 2011. I urge the Governments of Angola and the Democratic Republic of the Congo to enhance dialogue aimed at addressing this issue. The United Nations stands ready to further assist in ensuring respect for international norms and standards relating to migration control, expulsions, sexual violence and other human rights violations.

78. The security situation in North and South Kivu and Orientale province continues to cause large-scale humanitarian problems, in particular for the 1.7 million displaced civilians and their host communities. In western parts of the country, the spread of epidemics and food insecurity remain serious concerns. Sustained donor support for life-saving protection and assistance to ensure that countrywide humanitarian needs can be addressed in a timely manner remains of great importance.

79. On a positive note, I welcome the renewed commitment of the Government to enhance stabilization efforts in the eastern provinces, and the progress made so far in implementing ISSSS and its successor, the stabilization priority plan. More engagement is needed, however, particularly in areas of the country not covered by STAREC. In this regard, I encourage the Government of the Democratic Republic of the Congo to adopt expeditiously the Peace Consolidation Programme, and encourage donors to provide adequate resources to support stabilization activities and wider development programmes.

80. Finally, I would like to express my deep appreciation to all MONUSCO civilian, military and police personnel and the United Nations country team for their invaluable contribution to the stabilization of the Democratic Republic of the Congo under the leadership of my Special Representative for the Democratic Republic of the Congo, Roger Meece, particularly during this critical electoral period. MONUSCO and UNDP in particular provided critical, timely and much needed support to Congolese electoral authorities, without which the presidential and legislative elections could not have taken place. I remain grateful to countries contributing troops and police to MONUSCO, and reiterate my appreciation for the support of donor countries and multilateral non-governmental organizations.